REMARKS

The application has been reviewed in light of the Non-Final Office Action mailed June 9, 2005. At the time of the Non-Final Office Action, claims 1-31 were pending in this application. Claims 22-31 have been withdrawn from further consideration by the Examiner as being drawn to a non-elected invention. The Applicant reserves its right to reinstate these claims back into the present application if a claim generic to species A and B should be allowed. Claims 1-10, 11-12, 14-15 and 18-19 were rejected. The Applicant respectfully traverses the rejections and submits that the cited references do not teach or suggest what is being claimed for the reasons discussed below. The remaining claims, namely 13, 16-17 and 20-21 have been objected to but deemed allowable if rewritten in independent form.

Affirmation of Election of Species

A provisional election was made without traverse by the undersigned on June 7, 2005 to prosecute the invention of species A, claims 11-21. Affirmation of this election is hereby made.

Amendment to the Abstract

The Abstract has been amended to overcome the Examiner's objection to use of the phrase "the present invention." All references to "the present invention" in the Abstract have been removed from the amended Abstract.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Nguyen (US 5,944,105).

Nguyen discloses a well stabilization method that can be used to stabilize an unstable hydrocarbon producing zone or formation encountered in the drilling of a wellbore. '105 Patent, Col. 1, lines 56-58. The method includes the following steps:

1. Drilling the formation (82) using drill bit (86) (*see* Fig. 8; Col. 5, line 66 – Col. 6, line 19);

2. Enlarging the wellbore by pumping drilling fluid through jet forming ports (24), while moving the drill bit up hole (*see* Figs. 9 and 10; Col. 6, lines 20-30);

3. Pumping a hardened permeable material through the drill string (84) and jet forming ports (24) into the enlarged portion of the wellbore as the tool (10) is moved up hole (*see* Figs. 11-12; Col. 6, lines 31-44); and

4. Thereafter, redrilling the wellbore (80) through the hardened material (see Fig. 13, Col. 6, lines 47-52).

Turning specifically to the claims, Nguyen fails to disclose "(c) injecting the treatment fluid into the interval, wherein step (c) is performed simultaneously with steps (a) [delivering drill-in fluid to the drill bit] and (b) [removing drill cuttings from the well bore]," as required by independent claim 1. More specifically, the step of pumping a treatment fluid into the interval in Nguyen occurs both before and after the steps of delivering drill-in fluid to the drill bit and removing the drill cuttings from the well bore, not simultaneously with these steps. Although the Examiner states that Nguyen disclose this step, she provides no support for that statement and none can be found. Therefore, independent claim 1 and claims 2-10 dependent therefrom are believed patentable over Nguyen. Accordingly, the Examiner's rejection of these claims should be withdrawn.

Rejection under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 11-12, 14-15 and 18-19 under 35 U.S.C. § 102(e) as being anticipated by Hughes et al. (US 6,877,571). Without admitting that the Hughes et al. reference is prior art, the Applicant responds as follows.

With reference to the apparatus claims, namely claims 11-12, 14-15 and 18-19, the Examiner contends that Hughes et al. disclose all of the claimed elements. More specifically, the Examiner states that Hughes et al. disclose an expandable bladder 316 coupled to the outer surface of the second tube and an end of the third tube. Office Action at 5. However, the Examiner is wrong about how the bladder 316 is connected in Hughes et al. The bladder 316 in Hughes et al. is connected to a bladder housing 318 and sits against drilling fluid chamber inner wall 314. It is not coupled to the outer surface of a second tube or an end of a third tube. To the extent the Examiner reads the second tube onto bladder housing 318, that does not meet the limitation of a second tube as recited in independent claim 11. According to independent claim 11, "a first annulus is formed between the outer surface of the first tube and the inner surface of the second tube." There is no annulus formed between the bladder housing 318 and drill string 110, which the Examiner calls the first tube. Therefore, the Examiner's reliance on the bladder housing 318 as the second tube is misplaced. To the extent the Examiner relies on the bladder 316 itself as the second tube, then Hughes et al. fail to recite a separate bladder, as required by independent claim 11. Therefore, Hughes et al. fail to teach or suggest each and every limitation recited in independent claim 11 and rejected claims 12, 14-15 and 18-19 dependent thereon. Accordingly, the Examiner's rejection of claims 11-12, 14-15 and 18-19 as being anticipated by Hughes et al. should be withdrawn.

With respect to independent claim 1, the Examiner's rejection of that claim as being anticipated by Hughes et al. fails for the same reason it fails with reference to Nguyen. Hughes et al. relates to a method and apparatus of drilling while producing and pumping a power fluid downhole to recover the drilling fluid and production fluid. More specifically, the method of Hughes et al. relates to "inducing lift to remove drilling and production fluid 101 . . . [w]hen the power fluid combines with the drilling fluid and the production fluid, the high velocity power

fluid converts the drilling fluid and production fluid to a combined pressurized fluid that now has the energy to flow to the surface." '571 Patent; Col. 5, lines 50-60. Thus, Hughes et al. discuss simultaneous drilling and production as well as recovery of the drilling and production fluid using the power fluid. The Applicant could not find anywhere in the Hugh et al. reference where there is a teaching or suggestion of injecting treatment fluid into an interval simultaneously with delivering a drill-in fluid to a drill bit and removing drill cuttings from the well bore, as required by independent claim 1. Therefore, independent claim 1 is believed patentable over the Hughes et al. reference. Accordingly, the Examiner's rejection of independent claim 1 as being anticipated by Hughes et al. should be withdrawn.

SUMMARY

In light of the above remarks, Applicant respectfully submits that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile or electronic mail, as indicated below.

Applicant believes that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for any extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition therefore, and directs that any fees be debited from Halliburton Energy Services, Inc.'s Deposit Account No. 08-0300 (Reference No. HES 2003-IP-009869).

Respectfully submitted,

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